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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,237	01/15/2004	Perry B. Hackett	3021.15US02	5310

62274 7590 04/20/2007  
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APR 23 2007

EXAMINER

SULLIVAN, DANIEL M

ART UNIT PAPER NUMBER

1636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Date of Office Action 4-20-07  
Response Due 5-20-07  
Per 1 month extension 6-20-07  
Per 2 month extension 7-20-07  
Per 3 month extension 8-20-07  
Per 4 month extension 9-20-07  
Per 5th & FINAL extension 10-20-07

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20070410

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**


**Commissioner for Patents**

The reply filed on 9 February 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The sequence listing and CRF are defective for the reasons set forth on the attached "Notice to Comply" and "CRF Problem Report". See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Sullivan whose telephone number is 571-272-0779. The examiner can normally be reached on Monday through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach, Ph.D. can be reached on 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Daniel M Sullivan, Ph.D.  
Primary Examiner  
Art Unit: 1636



## Notice to Comply

Application No.  
10/758237

Applicant(s)  
HACKETT ET AL.

Examiner  
Daniel M. Sullivan

Art Unit  
1636

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e). The correct SEQ ID NO:2 is present in the paper copy of the of the sequence listing only. Therefore a search of the correct sequence is not possible.
- ☒ 7. Other: A PatentIn "Work file" is not a proper sequence listing. See the attached "CRF Problem Report" for instructions as to how to generate a proper sequence listing and CRF.

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212 or 308-2923

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Part of Paper No. 20070221



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Attorney Docket No. 3021.15US02

COMPACT DISC TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are compact discs established in conformance with 37 CFR 1.52.

Enclosed are:

1. A compact disc (CD-ROM or CD-R) labeled as **Copy 1** and defined as follows:

A. Contents of the compact disc:

- ☐ Table Listing that is over 50 pages of text in ASCII format, the spatial relationship of columns and rows of the table are maintained.
- ☒ Computer Program Listing in ASCII format wherein each line contains 72 characters or fewer.

B. Machine Format of the compact disc:

- ☐ MS-DOS
- ☒ MS-Windows
- ☐ Macintosh
- ☐ Unix
- ☐ Other \_\_\_\_\_

C. Listing of Files on the compact disc:

Title	Size in Bytes	Date of Creation
Untitled_ST25	3KB	05/15/07

2. A duplicate copy of the compact disc (CD-ROM or CD-R) labeled **Copy 2**.

Per the requirements of 37 CFR 1.52, Copy 1 and Copy 2 of the compact disc have been

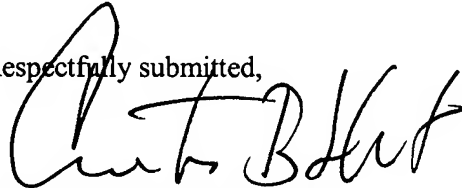
labeled with:

- i. the names of the inventors (if known)
- ii. title of the invention
- iii. the attorney docket number and application number (if known)
- iv. the creation date of the compact disc
- v. if multiple compact discs are submitted, the labels indicate their order (e.g. "1 of X").
- vi. an indication that the disc be "CRF Copy"
- vii. date on which the data was recorded on the CRF
- viii. the operating system used

Each compact disc, per the requirements of 37 CFR 1.52, is provided with a hard compact disc case that is placed within an unsealed padded envelope.

The compact disc has been incorporated by reference within the specification of the above-identified application in a **separate paragraph** by identifying the names of the files contained on the compact disc, their size in bytes, and their dates of creation.

Respectfully submitted,

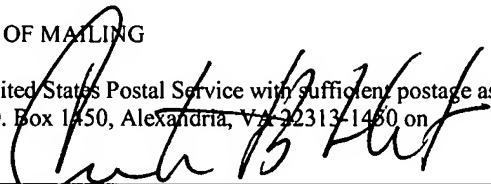


Curtis B. Herbert, Ph.D., Esq.  
Registration No. 45,443

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 16, 2007  
Date of Deposit



Curtis B. Herbert, Ph.D., Esq.